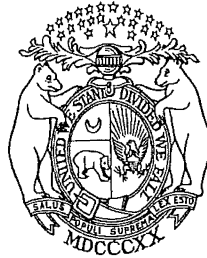


APPENDIX G
SCHEDULE OF COMPENSATION



Missouri Citizens' Commission on Compensation for Elected Officials

24 November 2010

The Honorable Robin Carnahan
Secretary of State
600 West Main Street
Jefferson City, MO 65102

Mr. Russell L. Hembree
Director, Joint Committee on Legislative Research
Acting Revisor of Statutes
117-A State Capitol Building
201 W. High St.
Jefferson City, MO 65101

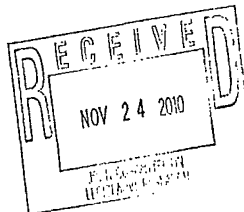
Dear Secretary of State Carnahan and Mr. Hembree:

Article XIII, section 3 of the Missouri Constitution requires that the Missouri Citizens' Commission on Compensation for Elected Officials file its report no later than December 1.

The commission hereby files its report. The report is attached and contains the schedule of compensation required.

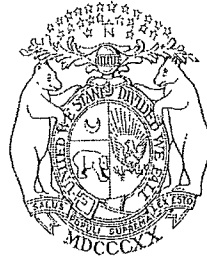
Sincerely,

Ms. Vicki Benson
Chair



APPENDIX G
SCHEDULE OF COMPENSATION

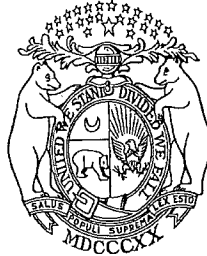
G - 37



Report of the
Missouri Citizens' Commission on
Compensation for Elected Officials

24 November 2010

APPENDIX G
SCHEDULE OF COMPENSATION



Report of the
Missouri Citizens' Commission on Compensation for Elected Officials

24 November 2010

A. INTRODUCTION

Pursuant to article XIII, section 3 of the Missouri Constitution, the Citizens' Commission on Compensation hereby submits the following report establishing a compensation schedule for Missouri's statewide elected officials, legislators and judges.

This commission has had the honor of traveling across this state to hear testimony about this important subject and is convinced that the compensation of all of the officials subject to this report is lower than what should be paid for positions of this importance. However, it also has become clear from our meetings that judges are unique among the officials subject to the recommendations of this commission for at least two reasons that are significant to our deliberations. First, judges do not operate generally in the political context that by definition determines the roles of both statewide elected officials and members of the General Assembly. Judges are driven instead by facts and the law – and both the facts and the law in recent years surrounding judicial compensation point to an unfortunate lack of action on the reports of this commission, which we intend to rectify with this report. Second, judges are full-time employees, not part-time public servants, and tend to come to judicial service later in life than those who come to public service by election to political office in the legislative or executive branches.

These facts are relevant to this commission for various reasons. Because judges generally expect or seek to retain the positions they hold for a longer period of time – and because they hold that role full-time and are actually prevented by law from practicing law on the side – they must have an interest in their compensation. Members of the political branches, if they so choose, can forego addressing the issue of their own compensation, fearing the political obstacles presented by the issue and assured in the knowledge that, in the end, their current role is not their full-time profession. Missouri's judges do not have this luxury. They are totally subject to the effectiveness of this commission and to the subsequent adoption or rejection of its reports by the General Assembly.

APPENDIX G
SCHEDULE OF COMPENSATION

G - 39

In this context, this commission's work in determining judicial pay is perhaps its most important determination of all. Based on the information and recommendations presented at our various meetings by a diverse representation by lawyers, judges, retired judges and persons in the business community, the commission has become convinced that it is beyond time to devise a more reasonable – and, we hope, a more permanent – means of determining judicial salaries in Missouri once economic conditions are favorable for implementation. Accordingly, we propose what we believe is a viable long-term option: indexing Missouri judicial salaries to a percentage of the corresponding judicial position in the federal system.

The dynamic between the political branches' willingness to forego salary increases and the judiciary's ongoing demonstrated need and willingness to pursue such increases presents a dichotomy that this commission must address. This commission, therefore, is forced to concede that recommending any kind of increase for legislators or statewide elected officials at this time might cause its entire report to be rejected. The commission believes that such increases are warranted but hopes that by implementing this report, it at least can begin to address the demonstrated needs of the judiciary. It also hopes it can initiate some discussion with legislators and statewide elected officials about future increases for those branches of government. In the end, however, the commission no longer can tolerate the continued rejection of sensible, moderate pay increases for judges due to the near-term political concerns that have prevented far too many of this commission's reports from taking effect.

As we believe each commission before ours has done, current commission members performed their due diligence by reviewing past commission reports. We also analyzed, and gratefully acknowledge the submission of, the comparative salary information and proposals brought forward by judicial officials, as well as other relevant data we requested from various presenters. This information – detailing significant salary gaps between Missouri judges and other judges, other attorneys in Missouri and other public-sector executives in Missouri – has proved critical in writing this report. The commission also met on four different occasions. Information regarding those meetings, as well as a listing of current commission members, is in section D of this report.

In making its final recommendations, the commission was compelled to balance the state's and nation's current economic situation with the long-term need for a functional compensation structure for the state's judges. When combined with the fact that many of the past reports of this commission either have been disapproved or unfunded, the commission is even more compelled to find a long-term solution to this problem despite the current economic crisis. To balance the current economic situation with these ongoing long-term needs, therefore, the commission submits its official schedule of compensation as described in section B of this report.

APPENDIX G

SCHEDULE OF COMPENSATION

B. OFFICIAL SCHEDULE OF COMPENSATION

1) FOR STATEWIDE ELECTED OFFICIALS

This schedule specifically authorizes a compensation structure identical to that which exists for statewide elected officials in fiscal 2011.

The compensation payable to each statewide elected official for fiscal 2012 and 2013 shall be equal to the compensation being paid to each such official for fiscal 2011.

The mileage reimbursement rate allowed for such officials shall be the same as that authorized by law for state employees.

2) FOR MEMBERS OF THE GENERAL ASSEMBLY

This schedule specifically authorizes a compensation structure identical to that which exists for members of the General Assembly in fiscal 2011.

The compensation payable to each member of the General Assembly for fiscal 2012 and 2013 shall be equal to the compensation being paid to each such member for fiscal 2011, including the leadership differentials being paid to those officials entitled to such differentials in fiscal 2011.

The mileage reimbursement rate allowed for such officials shall be the same as that authorized by law for state employees. The per diem rate allowed for such officials shall be the same as that authorized by section 21.145, RSMo.

3) FOR JUDGES

This schedule provides that each state judge's salary shall be indexed to the commensurate judicial position in the federal system: the chief justice of the Supreme Court of Missouri shall be indexed to the salary of the chief justice of the Supreme Court of the United States; all other judges of the Supreme Court of Missouri shall be indexed to the salaries of the associate justices of the Supreme Court of the United States; all judges on the Missouri court of appeals shall be indexed to the salaries of the judges on the federal circuit courts of appeals; all Missouri circuit judges shall be indexed to the salaries of judges on the federal district courts; and all Missouri associate circuit judges shall be indexed to the salaries of federal magistrates.

Official Schedule of Judicial Salaries for Fiscal 2012 and 2013

Fiscal	Chief Justice	Supreme Court Judge	Court of Appeals	Circuit Judge	Associate Circuit Judge
2012	Missouri fiscal 2011 salary	Missouri fiscal 2011 salary	Missouri fiscal 2011 salary	Missouri fiscal 2011 salary	Missouri fiscal 2011 salary
2013	69% of federal chief justice salary	69% of federal Supreme Court associate justice salary	73% of federal circuit court of appeals judge salary	73% of federal district court judge salary	73% of federal magistrate salary

APPENDIX G
SCHEDULE OF COMPENSATION

G - 41

The mileage reimbursement rates allowed for such officials shall be the same as that authorized by law for state employees.

C. CONCLUSION

We believe the official schedule set out in section B above will begin to provide the long-needed structural change in judicial compensation that the testimony clearly showed to be necessary. Although these amounts may change depending on the level of federal judicial compensation at the time these recommendations take effect, it is necessary for purposes of transparency to inform readers of this report about the effects of this schedule were it to take effect today.

For fiscal 2012 (beginning July 1, 2011), there is no change in salary for any judge in Missouri. In recognition of the difficult budget year that the state of Missouri will face in fiscal 2012, the commission determined that an increase in that fiscal year would be unwise.

For fiscal 2013 (beginning July 1, 2012), the schedule would result in salaries of \$154,215 for the chief justice, \$147,591 for judges of the Supreme Court, \$134,685 for judges of the Court of Appeals, \$127,020 for circuit judges and \$116,858.40 for associate circuit judges.

As a caveat to the salaries described above, it is significant that the pension law changes (House Bill No. 1, 2010 extraordinary session) that take effect Jan. 1, 2011, require judges coming to judicial service after Jan. 1, 2011, to pay 4 percent of their salaries to help fund their pensions. For judges who begin their judicial careers in 2011 and after, therefore, salaries will be 4 percent less than those of their longer-serving counterparts.

By indexing salaries of Missouri judges to their federal counterparts, this commission hopes it may achieve a lasting solution to the problem of inadequate judicial compensation in this state and, therefore, provide the means to attract and retain the best possible judges to the bench. This commission hopes with all sincerity that its most recent effort at providing a solution to the ongoing need to increase judicial salaries will bear fruit.

We note that judges have not received any increase since fiscal 2009 (now nearly three years ago) and also did not receive any increase whatsoever for seven successive fiscal years (from fiscal 2001 through fiscal 2007). When one combines this lack of increases to the fact that the judiciary as a whole receives about 2 percent of the state's general revenue budget and less than 1 percent of the state's total budget – despite a statewide caseload of approximately 800,000 newly filed cases in fiscal 2009 and a judge shortage of approximately 54 judges statewide based on a recent study by the National Center for State Courts – the need for increases in judicial salaries over the long term becomes all the more glaring. This need is immediate, as further evidenced by the fact that over the last 10 years, five Supreme Court judges and at least 15 Missouri court of appeals judges have left the bench voluntarily prior to the mandatory retirement age. Such a continued loss of experienced and highly qualified members of the judiciary cannot be allowed to continue.

APPENDIX G

SCHEDULE OF COMPENSATION

Despite these challenges, this commission's members retain optimism for the success of this report. By creating a structure in which no increases are given during the expected budget difficulties of fiscal 2012, we hope we have balanced the need for these increases with a corresponding sensitivity to the state's current economic situation.

The commission hopes that its future members will be able to start a dialogue with the statewide elected officials and legislators, none of whom presented any evidence to this commission and, therefore, received no recommended increases, despite the fact that many commission members believed that both legislators and statewide elected officials very likely were worthy of such increases. In addition, this commission's members wish to make some recommendations to the governor and the legislature as to this commission's structure – recommendations that we believe greatly would increase the effectiveness of this body's work:

1. The time in which commissioners are appointed – and the time during which this commission is asked to meet – both should be expanded to reflect the need for a better researched, more deliberative approach to the important matter of studying and recommending compensation.
2. The commission should be convened annually so that its members may receive testimony and consider long-term issues in the commission's non-report year. We hope this will enable us to dialogue with members of the General Assembly and with statewide elected officials as well as continue ongoing deliberations over judicial salaries that we intend to continue.
3. The General Assembly, if it wishes not to approve its own pay raises, should consider the concept of decoupling its salary schedule from that of the judges and the statewide elected officials.
4. If decoupling is not considered an option, the General Assembly should expand the commission's authority to eliminate any legislative approval or disapproval of this commission's recommendations. Given the politically charged nature of approving, or being seen as having approved, one's own pay increase, the General Assembly should consider eliminating the current structure whereby it may reject reports by a two-thirds majority vote of both houses.

The commission wishes to thank those persons who took time to testify before this body; your service to this process is invaluable, and we hope that it will be rewarded. We hope those who read this report with the knowledge that it is their responsibility to adopt or reject its recommendations will consider the long-term effects of their deliberations. It is undoubtedly in the best interests of the citizenry of this state to pay our highest government officials a salary that is commensurate with the high level of importance to the welfare of the people of this state that each of these offices carries. If we are to live out the words inscribed on our state seal, "Salus Populi Suprema Lex Esto" (translated to "Let the Welfare of the People be the Supreme Law)," we cannot continue to ask those charged with the constitutional duty of protecting that welfare to do so without providing some semblance of reasonable compensation for the work they perform.

APPENDIX G
SCHEDULE OF COMPENSATION

G - 43

The commission urges every member of the General Assembly to consider this report in that context, knowing that a democracy can be only as strong as its most vulnerable citizens. Should we on this commission and those persons in the General Assembly not do all that we can to assure that the arbiters tasked with the duty of protecting the rights of those vulnerable citizens are as well-compensated as reasonably can be expected? We believe we owe the citizens of this state nothing less.

D. MEETING INFORMATION AND COMMITTEE MEMBERSHIP

The commission met and received testimony at four public meetings, as required by the constitution:

- | | |
|--|---|
| 1. 9:30 a.m. to 12:30 p.m.
Monday, Nov. 15, 2010
Landers State Office Building
149 Park Central Square, Room 813
Springfield, Missouri | 3. 9 a.m. to noon
Thursday, Nov. 18, 2010
Fletcher Daniels Building
615 East 13th Street, Room 501
Kansas City, Missouri |
| 2. 9 a.m. to noon
Tuesday, Nov. 16, 2010
Wainwright State Office Building
111 North 7th Street, Room 116
St. Louis, Missouri | 4. 9 a.m. to noon
Wednesday, Nov. 24, 2010
Missouri State Capitol Building
201 West High Street
Senate Hearing Room 2 (First Floor)
Jefferson City, Missouri |

The members of the 2010 Citizens' Commission on Compensation are:

Chair – Vicki Benson, Kirksville	Timothy A. Hufker, St. Louis
Elizabeth Banwart, Liberal	Julie Hurst, Tarkio
Robert Barrett, Nevada	Jerry King, Butler
Patricia Bolz, Kirksville	Marion George McGuinn, Florissant
Bill Burch, Sikeston	Don Mills, El Dorado Springs
Andrea Marie Burkholder, Lathrop	Cedric Levi Shirley, Aurora
Erin Cotter, St. Louis	Thomas Shrout, St. Louis
Judith Davidson, Cottleville	Thomas Theiss, Independence
Gene Denekas, Columbia	Paul Walle, Manchester
Phyllis Lee Gilbert, Springfield	Mary Lou White, Bismarck
Hon. John Holstein, Springfield	Terry Winkler, Miller

E. ADDITIONAL INFORMATION

Attached to this report is an informational report provided to the commission before it began meeting. This informational report formed a basis for many of the commission's discussions.

APPENDIX G

SCHEDULE OF COMPENSATION

2010 CITIZENS' COMMISSION ON COMPENSATION JUDICIAL SALARY INFORMATION AND PROPOSAL

I. Introduction

Missouri's judges understand that they are in their judicial positions to serve the public and that those in public service should not expect high compensation for their service. This fact should not preclude Missouri from adequately compensating current judges while also seeking to recruit and retain the best possible persons for the bench. Missouri judges do not seek *high* pay; they seek *appropriate* compensation, commensurate with other public officials in Missouri and judges in other states and systems. Missouri has been losing experienced judges to the private sector and has had difficulty attracting quality, experienced attorneys from the private sector to aspire to the bench. After Jan. 1, 2011, recruitment will become more difficult, as escalating healthcare costs and new retirement legislation effectively will cut pay for new judges.

Judges recognize the difficult task placed on the Missouri Citizens' Commission on Compensation for Elected Officials, which the state constitution charges with setting compensation for Missouri's judges, statewide elected officials and legislators. The difficulty of this task is compounded by the continuing economic crisis, which strains all state revenues, making it difficult to implement this commission's recommendations in the near-term.

Despite these challenges, the commission can recommend a sensible, long-term salary structure for Missouri's judges to be implemented at a time in the future when economic factors make it more practicable. The information in this report suggests that, in hundreds of other instances, public entities in Missouri have determined that public service and adequate compensation need not be mutually exclusive. If the state of Missouri can compensate so many other positions at salaries that exceed that of every judge in this state, can it not compensate Missouri judges at rates that are roughly equivalent to – or at the very least begin to approach – the salaries paid to these other public servants?

This report provides relevant data¹ comparisons between Missouri's judges and judges in other jurisdictions, Missouri attorneys and other Missouri public employees – all of which illustrate the deep need for a structural increase in Missouri's judicial salaries. Now, Missouri's judges are paid less than those in all but a few states, less than the average salary for Missouri attorneys between the ages of 36 and 45, less than public school superintendents in 63 Missouri districts and even less than municipal judges in one Missouri city. These obvious discrepancies mar the judiciary's ability to serve as a separate branch of government and as the entity charged with protecting the rights of all Missouri's citizens. This report offers suggestions for a long-term solution that addresses the ongoing need to improve judicial salaries upon recovery from current economic conditions.

II. Judge Salary Comparisons

The following three tables – drawn from judicial salary data compiled by the National Center for State Courts – illustrate Missouri's poor standing in judicial pay compared with other states. Of particular note is that the salaries listed for Missouri's "trial court" judges include only circuit judges, paid \$120,484; they do not include Missouri's 225 associate circuit judges and commissioners who are paid only \$109,366.

¹ Judicial salary data are provided by the National Center for State Courts. All other data are based on the latest information gathered by staff of the state courts administrator's office.

APPENDIX G SCHEDULE OF COMPENSATION

G - 45

Table 1. Comparison of Missouri Judicial Salaries to All Other States (as of Jan. 1, 2010)

Highest Court	Appellate Court	Trial Court
California	California	California
Illinois	Illinois	Illinois
Pennsylvania	Alabama	District of Columbia
New Jersey	Pennsylvania	Alaska
Delaware	New Jersey	Delaware
Alaska	Alaska	New Jersey
District of Columbia	Virginia	Pennsylvania
Virginia	Georgia	Nevada
Alabama	Hawaii	Virginia
Hawaii	Tennessee	Hawaii
Nevada	Washington	Tennessee
Georgia	Connecticut	Washington
Tennessee	Michigan	Connecticut
Michigan	Florida	Arizona
Washington	Arizona	Georgia
Iowa	Maryland	Florida
Connecticut	Iowa	Rhode Island
Maryland	Indiana	Maryland
Florida	New York	Michigan
Arizona	Utah	Iowa
Rhode Island	Minnesota	New Hampshire
Indiana	Texas	New York
New York	Wisconsin	Arkansas
Texas	Louisiana	Alabama
New Hampshire	Arkansas	Texas
Massachusetts	Massachusetts	Utah
Minnesota	Colorado	South Carolina
Utah	South Carolina	Louisiana
Wisconsin	Nebraska	Massachusetts
Louisiana	Ohio	Minnesota
Ohio	North Carolina	Nebraska
Arkansas	Kansas	Wisconsin
Colorado	Oklahoma	Colorado
Nebraska	Kentucky	North Carolina
Oklahoma	Missouri	Indiana
North Carolina	Oregon	Wyoming
South Carolina	Idaho	Kentucky
Missouri	New Mexico	Oklahoma
Kansas	Mississippi	Vermont
Kentucky	Delaware	Ohio
Wyoming	District of Columbia	Missouri
Vermont	Maine	Kansas
Oregon	Montana	West Virginia
New Mexico	Nevada	Oregon
West Virginia	New Hampshire	North Dakota
Idaho	North Dakota	Idaho
Maine	Rhode Island	Maine
South Dakota	South Dakota	New Mexico
North Dakota	Vermont	South Dakota
Montana	West Virginia	Montana
Mississippi	Wyoming	Mississippi

* This salary is for circuit judges. Associate circuit judges and commissioners make \$109,366.
(National Center for State Courts, Survey of Judicial Salaries, Jan. 1, 2010)

APPENDIX G

SCHEDULE OF COMPENSATION

When compared with states of a similar population, Missouri ranks dead last, with an average judge salary nearly \$20,000 less than judges in those states.

Table 2. Judicial Salaries in Missouri Compared with States with +/- 500,000 in Population (as of July 1, 2010)

Chief Justice	Supreme Court Judge	Court of Appeals Judge	Trial Court Judge
Maryland - \$181,352	Tennessee - \$165,336	Tennessee - \$159,840	Tennessee - \$154,320
Tennessee - \$170,342	Washington - \$164,221	Washington - \$156,328	Washington - \$148,832
Washington - \$164,221	Maryland - \$162,352	Maryland - \$149,552	Maryland - \$140,352
<i>Mean (excluding MO)</i> \$163,386	<i>Mean (excluding MO)</i> \$155,619	<i>Mean (excluding MO)</i> \$147,782	<i>Mean (excluding MO)</i> \$137,813
Minnesota - \$160,579	Indiana - \$151,328	Indiana - \$147,103	Minnesota - \$129,124
Wisconsin - \$152,495	Minnesota - \$145,981	Minnesota - \$137,552	Wisconsin - \$128,600
Indiana - \$151,328	Wisconsin - \$144,495	Wisconsin - \$136,316	Indiana - \$125,647
Missouri - \$139,534	Missouri - \$137,034	Missouri - \$128,207	Missouri - \$120,484*

*This salary is for circuit judges. Associate circuit judges and commissioners make \$109,366.

Compared with contiguous states, Missouri ranks no higher than seventh of nine in any category and is eighth out of nine in average salaries across the categories ranked, which does not include the salaries of Missouri's associate circuit judges.

Table 3. Judicial Salaries in Missouri Compared with States Adjacent to Missouri (as of July 1, 2010)

Chief Justice	Supreme Court Judge	Court of Appeals Judge	Trial Court Judge
Illinois - \$207,066	Illinois - \$207,066	Illinois - \$194,888	Illinois - \$178,835
Iowa - \$170,850	Tennessee - \$165,336	Tennessee - \$159,840	Tennessee - \$154,320
Tennessee - \$170,342	Iowa - \$163,200	Iowa - \$147,900	<i>Mean (excluding MO)</i> \$138,524
<i>Mean (excluding MO)</i> \$159,337	<i>Mean (excluding MO)</i> \$154,079	<i>Mean (excluding MO)</i> \$145,956	Iowa - \$137,700
Arkansas - \$156,864	Arkansas - \$145,204	Arkansas - \$140,732	Arkansas - \$136,257
Oklahoma - \$147,000	Nebraska - \$142,760	Nebraska - \$132,314	Nebraska - \$132,053
Nebraska - \$142,760	Oklahoma - \$137,655	Kansas - \$131,518	Kentucky - \$124,620
Kentucky - \$140,504	Missouri - \$137,034	Oklahoma - \$130,410	Oklahoma - \$124,373
Missouri - \$139,534	Kansas - \$135,905	Kentucky - \$130,044	Missouri - \$120,484*
Kansas - \$139,310	Kentucky - \$135,504	Missouri - \$128,207	Kansas - \$120,037

*This salary is for circuit judges. Associate circuit judges and commissioners make \$109,366.

APPENDIX G SCHEDULE OF COMPENSATION

G - 47

Beginning Jan. 1, 2011, all *new* judges in Missouri will be required to contribute 4 percent of their income toward their own retirement – basically creating a 4-percent net loss in salary for new judges.

Table 4. Effect of 2010 Judicial Retirement Changes: A 4-Percent Pay Decrease

	Current Pay	4-percent Retirement Withholding	Net Pay after Retirement Withholding
Chief Justice	\$ 139,534	\$ 5,581.36	\$ 133,952.64
Supreme Court Judge	\$ 137,034	\$ 5,481.36	\$ 131,552.64
Court of Appeals Judge	\$ 128,207	\$ 5,128.28	\$ 123,078.72
Circuit Judge	\$ 120,484	\$ 4,819.36	\$ 115,664.64
Associate Circuit Judge	\$ 109,366	\$ 4,374.64	\$ 104,991.36

III. Attorney Salary Comparisons

Although Missouri judges do not expect to earn on the bench what they would in private practice, the fact remains that private sector salaries in Missouri have lured experienced judges off the bench and back into firms, and only about 20 percent of those applying for judicial vacancies in Missouri are from the private sector. Private attorneys in Missouri already are paid below the national average – a 2009 national survey of law firms listed the average compensation for equity partners/shareholders at \$352,569, for non-equity partners at \$211,034 and for associates at \$136,414. (ALM Legal Intelligence)

If Missouri does not provide salaries for the vast majority of its judges that are competitive with even the average junior partner in private practice, how can the judiciary ever reasonably expect to draw from the ranks of the above-average senior partners that it reasonably should want to recruit to the bench?

Table 5. Missouri Comparison of Judicial Salaries with Private-Practice Attorneys' Mean Salaries

Position	Mean*
Senior partner	\$346,702
Managing partner	\$285,082
Partner	\$229,091
All full-time private practice	\$177,840
Of Counsel	\$148,156
Chief Justice	\$139,534
Supreme Court Judge	\$137,034
Junior partner	\$135,375
Other	\$130,619
Court of Appeals Judge	\$128,207
Circuit Court Judge	\$120,484
Associate Circuit Judge	\$109,366
Sole Practitioner	\$104,504
Associate	\$82,962

* The mean excludes the bar members with the four highest incomes, which all exceeded \$3 million. (The Missouri Bar Economic Survey, 2009)

APPENDIX G

SCHEDULE OF COMPENSATION

The average partner at one of Missouri's top-grossing law firms can expect to make two, five or sometimes even 10 times as much as every judge in Missouri – again impacting the judiciary's ability to recruit and retain highly qualified individuals.

Table 6. Top Missouri Law Firms, By Profits per Partner

Firm	Profits per Partner
Shook, Hardy & Bacon	\$1,015,200
Baker Sterchi Cowden & Rice	\$750,000
Bryan Cave	\$622,600
Husch Blackwell Sanders	\$564,000
Stinson Morrison Hecker	\$491,000
Armstrong Teasdale	\$483,000
Thompson Coburn	\$467,000
Polsinelli Shughart	\$466,800
Lewis Rice & Fingersh	\$450,000
Carmody MacDonald	\$437,700
Lathrop & Gage	\$406,800
Brown & James	\$380,200
Greensfelder, Hemker & Gale	\$374,300
Gilmore & Bell	\$349,000
Sandberg Phoenix & von Gontard	\$327,500
Spencer Fane Britt & Browne	\$301,500
Gallop, Johnson & Neuman	\$276,200
Evans & Dixon	\$226,000
Lashly & Baer	\$139,100
Supreme Court judge	\$137,034

(Missouri Lawyers Weekly, Money 20 2010 list)

Even the average attorney as young as 36 years old has a higher average salary than the chief justice of Missouri. Until recently, lawyers with more than 20 years in practice – or those 46 years old or older – were considered best-qualified for the bench; now, younger lawyers with less experience are becoming judges.

Table 7. Mean Net Income of Missouri Attorneys, by Age Group

Age in Years	Mean Net Income*
36-45	\$140,703
46-55	\$176,225
56-65	\$194,849
66-75	\$184,411

* The mean excludes the bar members with the four highest incomes, which all exceeded \$3 million. The results include full-time and part-time total incomes, from respondents in both the private and public sectors, and income from members who are retired.
(The Missouri Bar Economic Survey, 2009)

Even setting private law firms aside, Missouri judicial salaries do not compare with those of deans and full professors at public law schools in Missouri and surrounding states – even before considering the bonuses, textbook royalties or other payments that such professors may receive. Minimizing this gap would help the judiciary attract and retain the best possible intellectual candidates from a range of backgrounds.

APPENDIX G

SCHEDULE OF COMPENSATION

G - 49

Table 8. Salaries at Public Law Schools in Missouri and Adjacent States

Law School	Dean	Full Professor
University of Oklahoma	\$335,634	\$175,553
University of Iowa	\$304,000	\$164,606
University of Illinois	\$285,000	\$184,983
University of Nebraska	\$270,050	\$160,485
University of Kansas	\$248,000	\$158,638
University of Missouri	\$230,420	\$156,673
University of Tennessee	\$220,000	\$141,048
University of Arkansas	\$199,100	\$131,343

IV. Public Employee Salary Comparisons

Large numbers of other public employees in Missouri make more – in some cases, substantially more – than any judge in Missouri, including the chief justice. These employees represent state, county, district and even municipal entities. This is not to say those positions are not deserving of the salaries they are paid or benefits to which they are entitled; it merely raises the question of why judges who serve the state are not entitled to salaries and benefits that at least begin to approach the compensation levels of other public employees in Missouri.

For example, there are 683 non-physician employees of public universities whose average base salary (not counting textbook royalties, bonuses, or other payments to which some of these employees may be entitled) exceed by nearly \$49,000 the salary of all Missouri state judges.

Table 9. Public University Employees – Excluding Physicians

Classification	# of Employees	Average Salary
University Athletics	21	\$208,574.33
University Professors	470	\$189,847.80
University Administration	192	\$184,214.44
	683	\$188,473.98

Focusing just on the leaders of Missouri's public universities, the lowest-paid president or chancellor earns nearly \$39,500 more than the state's chief justice, who by constitution effectively serves as the chief executive officer for the third branch of government.

APPENDIX G

SCHEDULE OF COMPENSATION

Table 10. Public University President and Chancellor Salaries for Fiscal 2009

Institution	Base Salary
University of Missouri system (President)	\$399,999
University of Missouri-Columbia (Chancellor)	\$324,383
University of Missouri-St. Louis (Chancellor)	\$292,578
Missouri University of Science and Technology (Chancellor)	\$289,460
University of Missouri-Kansas City (Chancellor)	\$285,000
Missouri State University	\$267,372
Northwest Missouri State University	\$224,762
University of Central Missouri	\$223,891
Harris-Stowe State University	\$209,634
Truman State University	\$200,000
Southeast Missouri State University	\$194,109
Missouri Southern State University	\$180,000
Missouri Western State University	\$180,000
Lincoln University	\$179,025

Among state executive-branch departments, 12 executives – only four of whom hold cabinet-level positions – are paid more than the executive of the judicial branch.

Table 11. Non-University State Executive Employee Salaries

Agency	Title	Salary
Department of Mental Health	Medical Administrator	\$233,552
Department of Mental Health	Medical Administrator	\$189,722
Department of Elementary and Secondary Education	Commissioner	\$185,400
Department of Mental Health	Division Director	\$167,515
Department of Social Services	Division Director	\$167,376
Department of Social Services	Deputy Division Director	\$166,824
Department of Transportation	Director	\$158,244
Department of Higher Education	Director	\$155,004
Department of Elementary and Secondary Education	Deputy Commissioner	\$154,512
Department of Conservation	Director	\$150,348
Department of Mental Health	Medical Director	\$143,463
Department of Social Services	Special Assistant Professional	\$140,000

Among the state's school superintendents, 63 – serving districts representing a wide variety of locations and populations – are paid more than any Missouri state judge, with an average salary of \$176,939, or more than \$37,000 more than the chief justice's salary.

APPENDIX G **SCHEDULE OF COMPENSATION**

G - 51

Table 12. Missouri Public School District Superintendent Salaries

	District Name	Salary		District Name	Salary
1	Kansas City 33	\$250,000	33	Fort Osage R-I	\$172,000
2	Kirkwood R-VII	\$240,000	34	Afton 101	\$169,792
3	St. Louis City	\$225,004	35	Webster Groves	\$168,000
4	Parkway C-2	\$223,830	36	Hickman Mills C-1	\$167,900
5	Ferguson-Florissant R-II	\$221,025	37	Jennings	\$166,138
6	Clayton	\$218,158	38	Grandview C-4	\$163,013
7	Park Hill	\$213,000	39	Joplin Schools	\$161,600
8	Special Sch. Dist. of St. Louis Co.	\$210,899	40	Rockwood R-VI	\$161,081
9	Fox C-6	\$207,393	41	Center 58	\$160,361
10	Brentwood	\$207,000	42	Springfield R-XII	\$156,193
11	Independence 30	\$205,000	43	Bismarck R-V	\$155,000
12	North Kansas City 74	\$205,000	44	Lawson R-XIV	\$155,000
13	Lindbergh Schools	\$204,750	45	Ritenour	\$154,870
14	University Academy	\$200,000	46	Windsor C-1	\$154,600
15	Ritenour	\$196,046	47	Union R-XI	\$154,375
16	Hazelwood	\$196,000	48	Ste. Genevieve Co. R-II	\$154,354
17	Wentzville R-IV	\$194,675	49	Troy R-III	\$152,951
18	Lee's Summit R-VII	\$192,500	50	Warren Co. R-III	\$151,000
19	Francis Howell R-III	\$192,019	51	Bayless	\$150,270
20	Blue Springs R-IV	\$190,000	52	Camdenton R-III	\$150,200
21	St. Charles R-VI	\$189,263	53	Liberty 53	\$150,000
22	Belton 124	\$189,136	54	Branson R-IV	\$149,580
23	Orchard Farm R-V	\$186,840	55	Valley Park	\$149,537
24	University City	\$182,980	56	Republic R-III	\$147,676
25	Mehlville R-IX	\$181,913	57	Waynesville R-VI	\$146,730
26	Ladue	\$180,000	58	Carthage R-IX	\$146,595
27	Columbia 93	\$180,000	59	De Soto 73	\$145,530
28	Jefferson City	\$178,000	60	Poloski R-III	\$145,000
29	Northwest R-I	\$175,884	61	Hancock Place	\$143,222
30	Raytown C-2	\$175,100	62	Nixa R-II	\$142,407
31	Ft. Zumwalt R-II	\$174,520	63	Hillsboro R-III	\$141,750
32	Maplewood-Richmond Heights	\$174,369			

The compensation disparity extends to other local government employees as well. There are at least 35 employees of county- or special district-level entities who earn more than any Missouri state judge.

Of particular note is the salary of a Kansas City municipal judge – \$144,875 per year – which exceeds that of the state's chief justice by more than \$5,000.

The work of a municipal judge – or any of these city-, district- or county-level employees – is busy and important. Certainly local governmental entities must recruit expertise from both the public and private sector to ensure the best services possible are delivered to local citizens. The average citizen, however, might wonder what makes employment in a local government entity more valuable than that of the judges who must decide cases affecting the lives of Missouri citizens throughout the state.

APPENDIX G

SCHEDULE OF COMPENSATION

Table 13. Salaries of Certain Missouri County, Special District or Municipal Executives

Entity	Title	Salary
Springfield	City Manager	\$195,312
St. Louis Metropolitan Sewer District	Executive Director	\$193,384
St. Louis Metropolitan Sewer District	General Counsel	\$190,600
St. Louis	Director of Airports	\$189,046
Kansas City	City Manager	\$187,200
Kansas City	Director of Aviation	\$161,460
Kansas City	Director of Parks and Recreation	\$161,460
Kansas City	Director of Convention and Entertainment	\$159,240
Kansas City	Director of Health	\$157,320
Kansas City	City Attorney	\$154,032
Kansas City	Fire Chief/Director	\$153,204
St. Louis Metropolitan Sewer District	Director of Engineering	\$152,100
Columbia	City Manager	\$151,270
St. Louis	Airport Senior Deputy Director	\$151,138
Kansas City	Director of Public Works	\$150,576
St. Louis	Airport Deputy Director of Finance	\$150,072
St. Louis	Airport Deputy Director of Planning	\$150,072
St. Louis Metropolitan Sewer District	Director of Finance	\$150,000
Kansas City	Director of Human Resources	\$149,340
St. Louis County	Chief Operating Officer	\$148,445
St. Louis County	County Counselor	\$148,445
St. Louis County	Director of Health	\$148,445
St. Louis County	Director of Public Works	\$148,445
St. Louis Metropolitan Sewer District	Secretary Treasurer	\$147,672
St. Louis County	Executive Assistant to County Executive	\$146,220
Kansas City	Retirement System EO	\$145,152
Kansas City	Senior Associate City Attorney	\$145,152
Kansas City	Director, Neighborhood & Community Service	\$144,996
Kansas City	Municipal court judge (eight judges)	\$144,875
St. Louis	Mayor's Chief of Staff	\$142,402
St. Louis	President of Public Service	\$142,402
Kansas City	Chief Information Officer	\$141,120
Kansas City	Assistant City Manager	\$140,004
St. Louis County	County Executive	\$140,000
St. Louis County	Director, Research & Medical Services	\$140,000
Supreme Court Judge		\$137,034

V. Adequate Compensation for Judges

Portions of compensation for other state officials is tied to a federal index – the per diem Missouri's legislators receive is based on a percentage of the per diem received by their counterparts at the federal level. Using this as a model, one suggestion for setting judicial pay might be to base the salaries of Missouri's judges on a percentage of their closest counterparts at the federal level. While it is not anticipated that Missouri judicial salaries reach the same level of pay as the federal bench, the gap ought not be so wide that the pay for even the chief justice

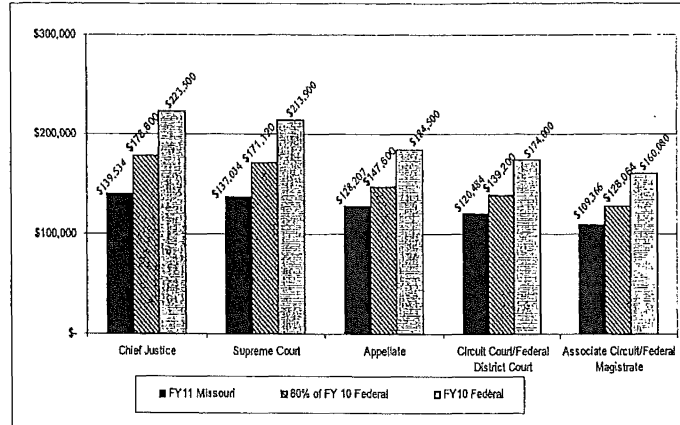
APPENDIX G SCHEDULE OF COMPENSATION

G - 53

of Missouri is substantially lower – more than \$20,500 lower, in fact – than the pay for the lowest-level federal judge (a magistrate).

Setting the state judges' salaries at, for example, 80 percent of the corresponding federal judges' salaries would eliminate future political struggles over judicial pay while providing a transparent, easily understood method for establishing judicial salaries. Such an index also takes into account the nation's economic condition, assuming Congress would not raise federal judges' salaries if doing so were not fiscally appropriate. The table below illustrates this comparison:

Table 14. Comparison of Missouri Judicial Salaries with Their Federal Correspondents



Such an index would provide a meaningful increase for Missouri's judges and would keep their salaries in the middle third of state judicial pay in all categories.

VI. Past Compensation Plans

Compensation of Missouri's judges – as well as legislators and statewide executive officers – is subject only to the recommendations of this commission and subsequent action by the General Assembly. Of these state officers, only judges are career employees. Past commissions have demonstrated exemplary understanding of the unique needs of the state's judges, particularly in light of other factors affecting judicial recruitment and retention, and have made solid recommendations regarding judicial pay. Setting appropriate salaries, however, is only part of the difficult task faced by the commission.

The legislature has not always approved the commission's pay plans. "For most of Missouri's history, ... legislators have had difficulty increasing ... compensation and many legislators have found it popular to oppose them." (David Valantine, *Citizens' Commission on Compensation for Elected Officials*, Report 07-2008, revised February 2008, Missouri Legislative Academy, Institute of Public Policy, Harry S. Truman School of Public Affairs, University of Missouri-Columbia, at Page 2.) The commission was established by vote of Missouri's citizens at the November 1994 general election and made its first recommendations two years later. Originally,

APPENDIX G

SCHEDULE OF COMPENSATION

the General Assembly could disapprove the commission's recommendations by a simple majority vote, and the General Assembly also had the ability to withhold some or all of the funding for the commission's recommendations. In November 2006, Missouri voters amended the constitution so the commission's recommendations automatically would take effect and would be funded unless two-thirds of both chambers of the General Assembly specifically disapproved the recommendations. This "revision specifically was designed to overcome legislators' aversion to approving pay raises for themselves and other elected officials." (Valentine at Page 3.)

Table 15. History of Citizens' Commission on Compensation Reports

Year	Commission recommendation	General Assembly action	COLAs for average state workers
1996	For fiscal 1998, set judicial salaries at: <ul style="list-style-type: none"> Chief Justice – \$122,500 Supreme Court judge – \$120,000 Court of Appeals judge – \$112,000 Circuit judge – \$105,000 Associate circuit judge – \$99,000 For fiscal 1999, recommended judges receive a COLA as appropriated by the legislature and approved by the governor.	The General Assembly disapproved the report (SCR 3 passed; HCR 3 failed) but, through the appropriations process, granted COLAs of 2.9 percent for fiscal 1998 and about 5.1 percent for fiscal 1999.	For fiscal 1998, granted 1-percent plus a one- or two-step increase. For fiscal 1999, granted 1-percent plus a one- or two-step increase.
1998	For fiscal 2000, set judicial salaries at: <ul style="list-style-type: none"> Chief Justice – \$122,500 Supreme Court judge – \$120,000 Court of Appeals judge – \$112,000 Circuit judge – \$105,000 Associate circuit judge – \$93,000 For fiscal 2001, set judicial salaries at: <ul style="list-style-type: none"> Chief Justice – \$128,500 Supreme Court judge – \$126,000 Court of Appeals judge – \$118,000 Circuit judge – \$111,000 Associate circuit judge – \$99,000 	The General Assembly did not disapprove the report (both HCR 6 and SCR 9 failed), which became effective July 1, 1999. The General Assembly appropriated the salaries as recommended for fiscal 2000, but the governor vetoed the appropriation. For fiscal 2001, the legislature appropriated salaries at: <ul style="list-style-type: none"> CJ – \$125,500 SCJ judge – \$123,000 CAApp – \$115,000 Circuit – \$108,000 Associate – \$98,000 	For fiscal 2000, granted 1-percent plus a one- or two-step increase. For fiscal 2001, granted \$600 plus a one-step increase effective July 1, 2000, plus another \$420 effective Jan. 1, 2001.
2000	For fiscal 2002 and again in fiscal 2003, each judge to receive a 5.5-percent increase in base salary. For fiscal 2002 only, associate circuit judges to receive an additional \$1,000.	The General Assembly disapproved the report (SCR 2 passed; HCRs 7 and 8 failed) and did not appropriate any COLAs.	The previous \$420 COLA continued for the remainder of fiscal 2002. No COLA granted for fiscal 2003.
2002	For fiscal 2004 and again in fiscal 2005, each judge to receive a \$6,000 increase in base salary.	The General Assembly disapproved the report (SCR 1 passed; HCR 4 failed) and did not appropriate any COLAs.	For fiscal 2004, granted \$50 to only those earning less than \$40,000 annually. For fiscal 2005, granted \$1,200.
2004	No commission members were appointed, so there was no commission to meet.	Because there was no commission, there was no report. No COLA was appropriated separately.	For fiscal 2006, no COLA. For fiscal 2007, granted 4-percent.

APPENDIX G SCHEDULE OF COMPENSATION

G - 55

Year	Commission recommendation	General Assembly action	COLAs for average state workers
2006	For fiscal 2008, each judge to receive an increase of \$1,200 plus 4 percent (the same amounts received as COLA by average state workers since 2000). Associate circuit judges to receive an additional \$2,000. Each judge also to receive any COLA recommended for average state workers for fiscal 2008. For fiscal 2009, each judge to receive any COLA recommended for average state workers for fiscal 2009.	The General Assembly did not disapprove the report (both HCR 3 and SCR 4 failed), which became effective July 1, 2007. All increases, including the COLAs for each fiscal year, were appropriated as recommended.	For fiscal 2008, granted 3-percent. For fiscal 2009, granted 3-percent.
2008	Each judge to receive any COLA increase recommended for the average state worker. Associate circuit judges to receive a \$1,500 increase in fiscal 2009 and again in fiscal 2010.	The General Assembly disapproved the report (HCR 5 passed; SCR 6 failed) and did not appropriate any COLAs.	No COLAs granted for either fiscal year.

VII. Conclusion – Possible Solutions

The current salaries of Missouri's judges – ranging from \$109,366 for associate circuit judges to \$139,534 for the chief justice – do not reflect the complexity and difficulty of the tasks judges are asked to perform, especially in comparison with the salaries paid to judges in other states, to private attorneys in Missouri and to a wide variety of public employees in Missouri. If Missouri's judges continue to receive less than a parks and recreation director in a major municipality, or less than the average junior partner in a Missouri law firm, the judicial profession will suffer a decline in quality and stature that could diminish the justice our citizens are able to receive.

Although ongoing economic challenges preclude this commission from remedying these compensation issues immediately, the commission has an opportunity now to ensure this disparity will be rectified once economic conditions improve. To help avoid the fate many previous commission reports have fared, it might be useful to propose a different kind of report, both in its recommendations and its structure, to ensure its success.

One solution might be to employ a phased-in recommendation structure. This two-pronged approach would involve proposing a salary structure that meets the long-term, ongoing need for appropriate judicial compensation by indexing Missouri judicial salaries at 80 percent of the corresponding federal judicial salaries (as discussed above in section V). The second prong would involve delaying payment of that new salary structure to ensure balance between salary needs and economic recovery. To achieve this balance, the commission might designate that the new salary structure would take effect only if certain sustained economic growth is achieved in Missouri and even then not before fiscal 2013.

The commission also might issue separate reports for each branch of government. Public debate in legislative committees and on the floor of both chambers of the General Assembly has indicated broad support for judicial pay increases. These increases typically have not been approved, however, because the legislators' and statewide elected officials' proposed salaries are included in the same report as the judges' proposed salaries – and legislators do not want to raise their own pay. Separating the proposals into individual reports, one for each branch, would permit each to be approved or disapproved on its own merits or, as has seemed to be the case in the past, within its own unique political context.

**APPENDIX G
SCHEDULE OF COMPENSATION**

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